

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ZACH RUSSELL SWEET,)
Plaintiff,) CASE NO. C13-0933-RAJ-MAT
v.)
CAROLYN W. COLVIN, Acting) REPORT AND RECOMMENDATION
Commissioner of Social Security,)
Defendant.)

)

Plaintiff brought this action to seek judicial review of the denial of his application for disability benefits by the Commissioner of the Social Security Administration. The parties now stipulate this case should be reversed and remanded for further proceedings. (Dkt. 26.)

Based on the stipulation of the parties, the Court recommends this case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Administrative Law Judge shall: (1) re-evaluate all medical evidence and address the opinion of Dr. Buenvenida; (2) further evaluate the testimony of lay witness Selina Sweet; (3) reassess plaintiff's residual functional capacity (20 C.F.R. § 404.1545 and Social Security Rulings 85-16 and 96-8p); and (4) if warranted, obtain evidence from a

01 vocational expert to determine whether there are a significant number of jobs in the national
02 economy plaintiff can perform. The parties further stipulate that plaintiff will receive a new
03 hearing and be allowed to testify and present evidence, and that the ALJ will make a de novo
04 determination as to disability, and issue a new decision. Upon proper application, the Court
05 will consider plaintiff's application for attorneys' fees under the Equal Access to Justice Act, 24
06 U.S.C. § 2412, *et seq.*

07 The Court recommends that United States District Judge Richard A. Jones immediately
08 approve this Report and Recommendation and order the case REVERSED and REMANDED
09 for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A
10 proposed order accompanies this Report and Recommendation.

11 DATED this 5th day of November, 2013.

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14 Mary Alice Theiler
15 Chief United States Magistrate Judge
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